

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Eliseo Santos,

Petitioner,

v.

Ryan Holloway and Scotty Bodiford,

Respondents.

C/A No. 5:24-cv-3328-SAL

ORDER

Eliseo Santos (“Petitioner”), a pro se litigant and pretrial detainee, filed this writ of habeas corpus action against Respondents Ryan Holloway and Scotty Bodiford (“Respondents”) pursuant to 28 U.S.C. § 2241. On August 22, 2024, United States Magistrate Judge Kaymani D. West issued a Report and Recommendation (“Report”) pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) recommending that this action be summarily dismissed without prejudice. [ECF No. 23.] As explained in the Report, conditions of confinement claims cannot be brought under § 2241, and, while Petitioner’s other claims allege speedy trial violations and denial of counsel in an ongoing state criminal proceeding, those claims are not exhausted. *Id.* Additionally, the magistrate judge finds those claims merit abstention. *Id.* Attached to the Report was a notice advising Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Petitioner has not filed objections, and the time for doing so has expired.

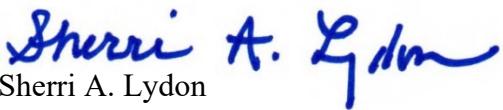
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 23, and incorporates it by reference herein. As a result, this matter is **SUMMARILY DISMISSED without prejudice.**

IT IS SO ORDERED.

October 3, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge